



Chairman: David Vaught

Members: Ed Bedore, Ricardo Morales, Larry Ivory, Bill Black

July 1, 2013

Bill Grunloh  
Chief Procurement Officer  
Illinois Department of Transportation  
Executive Ethics Commission  
2300 S. Dirksen Pkwy  
Room 200  
Springfield, Illinois 62764

**Re: 50-35 Potential Conflict of Interest, from the June 14, 2013 Letting, Items 90, 99, 100, 101, 102, 103, 105, 190, 191, 216, 218 and 245**

Dear Mr. Bill Grunloh,

In accordance with the requirements of Section 50-35 of the Illinois Procurement Code, I have reviewed your request received June 28, 2013 and understand the facts to be as follows:

- 1) The Illinois Department of Transportation (DOT) has issued a request for a review and comment on potential conflicts of interest disclosed by E.T. Simonds Construction Co.
- 2) The contract pertains to the contract for construction related services in Randolph, White, Franklin, Hamilton, Jackson, Gallatin, Williamson, Saline, Washington and Perry Counties.
- 3) E.T. Simonds Construction Co. was selected via competitive sealed bid sub contractor agreement.
- 4) The disclosure form submitted on behalf of E.T. Simonds Construction Co. indicates the following:
  - a. Kathryn S. Stevens, who has 13.001% ownership stock in Vendor, has a spouse who is employed as an aviation mechanic with SIU-Carbondale since August 1, 2012. His annual salary is \$38,736.00.
- 5) DOT confirmed that none of the disclosed individuals were in a position to influence the award of this contract. DOT and CPO Bill Grunloh indicate that it would be in the best interest of the State to approve this conflict of interest due to the using agency's needs and the value of the contract.

Based on the foregoing, you are requesting my review and comment pursuant to the Illinois Procurement Code.

Review and Comment

After careful review of the documentation provided, I do not view the relationships disclosed above as creating a conflict of interest sufficient to preclude DOT from entering into a contract with E.T. Simonds Construction Co. for the services outlined in your letter received June 28, 2013.

Sincerely,

Aaron Carter  
Executive Director

Cc: EEC General Counsel

ILLINOIS DEPARTMENT OF TRANSPORTATION  
EXECUTIVE ETHICS COMMISSION



# CHIEF PROCUREMENT OFFICE

Bill Grunloh, Department of Transportation - Highway Construction

June 28, 2013

Procurement Policy Board  
222 South College Street, Suite 231  
Springfield, IL 62704

RE: Conflict of Interest Disclosure E.T. Simonds Construction Company, Inc., lowest responsible and responsive bidder for Items 90, 99, 100, 101, 102, 103, 105, 190, 191, 216, 218, & 245 from the June 14, 2013 Letting

Mr. Carter:

Attached is the potential conflict of interest form for E.T. Simonds Construction Company, Inc., the lowest responsible bidder who was also responsive for 12 construction contracts advertised on the June 14, 2013 letting by the Department of Transportation.

Item 90 consists of construction related services in Randolph County, and includes: resurfacing 6.86 miles of Illinois Route 3 from Ellis Blvd in Ellis Grove to Bodes Lane in Chester. Item 99 consists of construction related services in White County, and includes: patching and resurfacing 9.9 miles of Illinois Route 1 from 0.08 miles east of Commerce Street in Carmi and continues south to just east of Norris City Road. Item 100 consists of construction related services in Franklin County, and includes: new concrete pavement, sidewalks, storm sewers, traffic signals, lighting and resurfacing located at the intersection of Illinois Route 37 and Illinois Route 149 in West Frankfort. Item 101 consists of construction related services in White County, and includes: patching and resurfacing along 11.4 miles of Illinois Route 14 from the Hamilton/ White County Line to 3rd Street in Carmi. Item 102 consists of construction related services in Franklin County, and includes: patching and resurfacing along 2.97 miles of Illinois Route 37 from north of West Frankfort to Yellow Banks Road. Item 103 consists of construction related services in Jackson County, and includes: milling and resurfacing 1.4 miles of Illinois Route 13 from Wall Street to Glenview Drive in Carbondale. Item 105 consists of construction related services in Gallatin-White Counties, and includes: pavement replacement and patching at the intersection of Illinois Route 13 and Illinois Route 142 in Gallatin County and patching 0.4 miles of Illinois Route 1 north of Interstate 64 in White County. Item 190 consists of construction related services in Perry County, and includes: removal and replacement of PCC sidewalk and decorative lighting from Hickory Street to Washington Street in the City of Duquoin. Item 191 consists of construction related services in Jackson County, and includes: Removal of the existing superstructure and construct a new five-span precast concrete deck beam superstructure with Type SM railing, repairs to the abutments and piers and the reconstruction of the roadway approaches located 2 miles northeast of Carbondale over Crab Orchard Creek. Item 216 consists of construction related services in Williamson County, and includes: Class C patching along 1.2 miles of Illinois Route 148 near Herrin. Item 218 consists of construction related services in Saline County, and includes: patching along Illinois Route 34 from the Illinois Route 34/145 intersection to the Pope County Line. Item 245 consists of construction related services in Washington County, and includes: resurfacing 8.29 miles of U.S. Route 51 from the Perry County Line to the intersection with Illinois Route 15.

Kathryn Stevens, an individual with an ownership interest in excess of 5%, has disclosed her spouse Brent Stevens is employed by SIU Carbondale as an Aviation Mechanic. Mr. Steven's salary at SIU-C is not in excess of 60% of the Governor's salary and did not influence the competitively sealed bidding process.

This conflict has been reviewed by our office, and it has been determined this is not an actual conflict and will not interfere in the execution of this contract.

If you have any questions concerning this request, please Jim Layden of the Bureau of Design and Environment, Plans and Contracts Unit, at 217-782-7806.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gretchen Tucka', with a stylized flourish at the end.

Gretchen Tucka,  
State Purchasing Officer

Enclosures

STATE OF ILLINOIS  
PROCUREMENT POLICY BOARD  
CONFLICT OF INTEREST REVIEW  
CHECKLIST

Please ensure that the following documents are included with your request:

- ☒ Cover letter with overview of the potential Conflict of Interest
- ☒ Conflict of Interest Review Request Form
- ☒ Copy of Proposed Contract\*
- ☒ Any Prequalification Information Submitted by the Vendor
- ☒ Prior Procurement Policy Board/Office of the Governor Conflict of Interest Review Letter for this Vendor
- ☒ Copy of the Disclosure/Certification Documents Submitted by the Vendor

\*may be the proposed contract sent in with a RFP response, a copy of the solicitation response, etc.

Please scan original documents\*\* with signatures and email to:

aaron.carter@illinois.gov  
cc: deanna.rossetto@illinois.gov

If you are unable to scan and email the original signed documents, please send to:

Procurement Policy Board  
222 South College Street, Suite 231  
Springfield, IL 62704

\*\*If you scan and email the original documents, please do not send the original documents to our office. Please keep the documents in your procurement file.

## CONFLICT OF INTEREST REVIEW REQUEST FORM

The following information must be filled in as accurately and completely as possible. This form will be sent to the Procurement Policy Board providing essential information needed to review and determine if an actual conflict of interest exists, which is sufficient to preclude the State from entering into the attached proposed contract pursuant to section 50-35(d) of the Illinois Procurement Code.

### CONTRACTING AGENCY INFORMATION

Using Agency: Department of Transportation

Address: 2300 S. Dirksen Parkway City/State: Springfield, IL

Contact Person: Jim Layden Title: Acting Chief Contracts Official

Phone: 217.782.7806 Fax: 217.785.1141

Email: jim.layden@illinois.gov

### VENDOR INFORMATION FOR VENDOR WITH POTENTIAL CONFLICT

This Vendor is: ☒ Prime Vendor ☐ Sub-contractor

Name of Vendor: ET Simonds Construction Company

Address: 1500 North Oakland Avenue City/State: Carbondale, IL

Contact Person: Edward Simonds Title: President

Phone: 618-847-8191 Fax: 618-549-0131

Email: jjones@etsimonds.com

Procurement Bulletin Reference Number: Letting Items 90,99,100,101,102,103,105,190,191,216,218,245 Date Posted to Bulletin: 5/10/2013

### CONTRACT INFORMATION

Describe the need for this procurement or proposed contract: . Letting Item 90 consists of construction related services in Randolph County, and includes: This project consists of resurfacing 6.86 miles of Illinois Route 3 from Ellis Blvd in Ellis Grove to Bodes Lane in Chester. Letting Item 99 consists of construction related services in White County, and includes: This project consists of patching and resurfacing 9.9 miles of Illinois Route 1 from 0.08 miles east of Commerce Street in Carmi and continues south to just east of Norris City Road. Letting Item 100 consists of construction related services in Franklin County, and includes: This project consists of new concrete pavement, sidewalks, storm sewers, traffic signals, lighting and resurfacing located at the intersection of Illinois Route 37 and Illinois Route 149 in West Frankfort. Letting Item 101 consists of construction related services in White County, and includes: This project consists of patching and resurfacing along 11.4 miles of Illinois Route 14 from the Hamilton/ White County Line to 3rd Street in Carmi. Letting Item 102 consists of construction related services in Franklin County, and includes: This project consists of patching and resurfacing along 2.97 miles of Illinois Route 37 from north of West Frankfort to Yellow Banks Road. Letting Item 103 consists of construction related services in Jackson County, and includes: This project consists of milling and resurfacing 1.4 miles of Illinois Route 13 from Wall Street to Glenview Drive in Carbondale. Letting Item 105 consists of construction related services in Gallatin-White Counties, and includes: This project consists of pavement replacement and patching at the intersection of Illinois Route 13 and Illinois Route 142 in Gallatin County and patching 0.4 miles of Illinois Route 1 north of Interstate 64 in White County. Item 190 consists of construction related services in Perry County, and includes: Project consists of the removal and replacement of PCC sidewalk and decorative lighting from Hickory Street to Washington Street in the City of Duquoin.

Letting Item 191 consists of construction related services in Jackson County, and includes: Remove the existing superstructure and construct a new five-span precast concrete deck beam superstructure with Type SM railing, repairs to the abutments and piers and the reconstruction of the roadway approaches located 2 miles northeast of Carbondale over Crab Orchard Creek. Letting Item 216

consists of construction related services in Williamson County, and includes: This project consists of Class C patching along 1.2 miles of Illinois Route 148 near Herrin. Letting Item 218 consists of construction related services in Saline County, and includes: This project consists of patching along Illinois Route 34 from the Illinois Route 34/145 intersection to the Pope County Line. Letting Item 245 consists of construction related services in Washington County, and includes: This project consists of resurfacing 8.29 miles of U.S. Route 51 from the Perry County Line to the intersection with Illinois Route 15.

\$ Item 90: \$3,565,932.08; Item 99: \$2,644,637.45; Item 100: \$1,396,126.75; Item 101: \$2,359,392.70; Item 102: \$2,612,663.01; Item 103: \$847,010.38; Item 105: \$284,538.34; Item 190: \$708,570.12; Item 191: \$705,232.21; Item 216: \$63,150.65; Item 218: \$108,972.49; Item 245: \$1,924,046.79

Total Contract Amount (Estimate if actual is unknown):

Item 90: 110 Working Days; Item 99: 75 Working Days; Item 100: 40 Working Days; Item 101: 75 Working Days; Item 102: 80 Working Days; Item 103: 35 Working Days; Item 105: 25 Working Days; Item 190: 135 Working Days. Item 191: 45 Working Days; Item 216: 15 Working Days; Item 218: 15 Working Days; Item 245: 55 Working Days

Contract Begin Date: Upon Authorization to Proceed is Received. Must receive approval within 45 days after date of letting.

Contract End Date:

Describe any Renewal Options (i.e. One 2-year Option): No

#### PROCUREMENT PROCESS

What was the method of procurement used to select this vendor? Competitive Sealed Bidding

If this vendor was selected using a competitive process, how many vendors responded to the bid? Item 90: 2; Item 99: 1; Item 100: 2; Item 101: 2; Item 102: 3. Item 103: 2; Item 105: 2; Item 190: 4. Item 191: 2. Item 216: 2. Item 218: 2. Item 245: 4.

Were any vendors disqualified? No

If yes, please explain why.

If a multiple award, how many vendors were awarded a contract? No

Were there any instances of low vendor rejections? No

If yes, please explain why.

#### EXPLANATION OF POTENTIAL CONFLICTS OF INTEREST

For each individual identified as causing a potential conflict of interest, include the following information: name, relationship (if applicable), Agency of State employment, start date, job title and responsibilities. Indicate if any of the named individuals earn more than \$106,447.20 and explain the potential conflict of interest.

Kathryn Stevens, an individual with an ownership interest in excess of 5%, has disclosed her spouse Brent Stevens is employed by SIU Carbondale as an Aviation Mechanic. Mr. Steven's salary at SIU-C is not in excess of 60% of the Governor's salary and did not influence the competitively sealed bidding process.

If a prime vendor, did they disclose their use of lobbyists? ☐ Yes ☒ No

If yes, did the lobbyists lobby on behalf of the vendor to secure this contract? ☐ Yes ☐ No

PROVIDE A WRITTEN STATEMENT SIGNED BY THE AGENCY REPRESENTATIVE FOR YOUR AGENCY STATING:

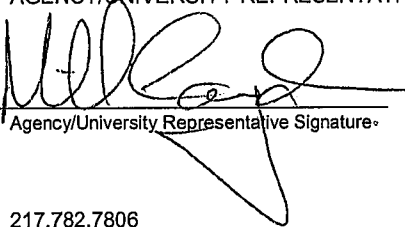
1. Is the conflict an actual conflict and whether or not any of the above named individual(s) were in a position to influence the State's award of this contract.

This is not an actual conflict. Mr. Stevens has no ability to interfere in the competitively sealed bidding process. The Competetively Sealed Bidding Process is designed to remove any potential for interference. Mr. Stevens will also not interfere with the execution of these Letting Items by E.T. Simonds.

2. Why is it in the best interest of the State to proceed with this contract.

These are for State Route maintenance, repair, resurfacing. This is central to the Department's mission of providing safe travel for the motoring public.

AGENCY/UNIVERSITY REPRESENTATIVE SIGNATURE



Agency/University Representative Signature

Michael Layen

Agency/University Representative Printed Name

6/28/2013

Date

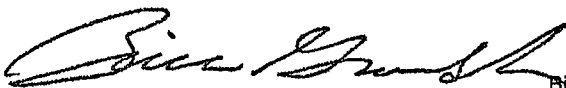
217.782.7806

Agency/University Representative  
Telephone

jim.layden@illinois.gov

Agency/University Representative Email Address

CPO SIGNATURE REQUIRED



CPO Signature

Bill Grunloh

CPO Printed Name

6/28/2013

Date

217.558.5434

CPO Telephone Number

bill.grunloh@illinois.gov

CPO Email Address